

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

**THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 5, 2008**

House of Representatives

The House convened at 11:00 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Eskridge. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Kendra Roberts, Page.

Approval of Journal

February 5, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-ninth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

February 4, 2008

Mr. Speaker:

I transmit herewith **S 1274, S 1273, S 1346, S 1347, S 1337, S 1338, S 1287, S 1317, S 1319, and S 1320** which have passed the Senate.

WOOD, Secretary

S 1274, S 1273, S 1346, S 1347, S 1337, S 1338, S 1287, S 1317, S 1319, and S 1320 were filed for first reading.

February 4, 2008

Mr. Speaker:

I return herewith **H 342 and H 340** which have passed the Senate.

WOOD, Secretary

H 342 and H 340 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 5, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 458** and **H 459**.

CLARK, Chairman

H 458 and H 459 were referred to the State Affairs Committee.

January 30, 2008

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 392, H 393, and H 394** and recommend that they do pass.

TRAIL, Chairman

H 392, H 393, and H 394 were filed for second reading.

January 30, 2008

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 403** and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

H 403 was placed on General Orders for consideration.

February 4, 2008

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 385** and report it back with amendments attached to be placed on General Orders for consideration.

NONINI, Chairman

H 385 was placed on General Orders for consideration.

February 4, 2008

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 440** and recommend that it do pass.

WOOD, Chairman

H 440 was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 460
BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO COUNTIES; AMENDING SECTION 31-3205, IDAHO CODE, TO REVISE RECORDER'S FEES FOR FILING SURVEYS AND TO DELETE A RECORDER'S FEE FOR MAKING AND CERTIFYING CERTAIN REPORTS RELATING TO LIENS ON PERSONAL PROPERTY.

**HOUSE BILL NO. 461
BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO VERIFICATION OF PLATS; AMENDING SECTION 50-1305, IDAHO CODE, TO REQUIRE THE ENTITY OF JURISDICTION THAT APPROVES THE PLAT, IF NOT THE COUNTY, TO VERIFY THE PLAT AND TO COLLECT A FEE FROM THE SUBDIVIDER.

**HOUSE BILL NO. 462
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO PASSENGER SAFETY FOR CHILDREN; AMENDING SECTION 49-672, IDAHO CODE, TO PROVIDE THAT THERE SHALL BE NO EXCEPTIONS TO THE LAW REQUIRING ALL CHILDREN SIX YEARS OF AGE OR YOUNGER TO BE PROPERLY SECURED IN A CHILD SAFETY RESTRAINT; AND AMENDING SECTION 49-673, IDAHO CODE, TO DELETE REFERENCE TO AN EXCEPTION IN LAW THAT IS NO LONGER APPLICABLE.

**HOUSE BILL NO. 463
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-417E, IDAHO CODE, TO ESTABLISH THE NATURAL RESOURCES AND MINING EDUCATION SPECIAL LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 464
BY HEALTH AND WELFARE COMMITTEE
AN ACT**

RELATING TO ABORTION AND CONTRACEPTIVES; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-615, IDAHO CODE, TO PROVIDE THAT IT IS A CRIMINAL ACT TO COERCE OR ATTEMPT TO COERCE A WOMAN TO OBTAIN AN ABORTION, TO PROVIDE FOR RECOVERY OF DAMAGES BY CIVIL SUIT AND TO PROVIDE PENALTIES; AND AMENDING SECTION 18-615, IDAHO CODE, TO REDESIGNATE THE SECTION.

**HOUSE BILL NO. 465
BY HEALTH AND WELFARE COMMITTEE
AN ACT
RELATING TO LOCAL LAND USE PLANNING AND**

GROUP RESIDENCES; AMENDING SECTION 67-6531, IDAHO CODE, TO REVISE TERMS AND TO CLARIFY SUPERVISION REQUIREMENTS; AMENDING SECTION 67-6532, IDAHO CODE, TO ELIMINATE RESTRICTIONS ON LOCAL GOVERNMENTS TO REGULATE GROUP RESIDENCES WHICH ARE ZONED AS "SINGLE FAMILY DWELLINGS" WHEN TENANCY IN SUCH HOMES IS BY PERSONS UNDER SUPERVISION OF THE STATE BOARD OF CORRECTION PURSUANT TO LAW, BY PERSONS REQUIRED TO REGISTER PURSUANT TO LAW, OR BY OTHER PERSONS POSING A DIRECT THREAT OF HARM; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 466
BY HEALTH AND WELFARE COMMITTEE
AN ACT**

RELATING TO BIRTH DEFECTS FROM ALCOHOL; AMENDING TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 15, TITLE 23, IDAHO CODE, TO ENCOURAGE CERTAIN ESTABLISHMENTS TO POST WARNING NOTICES RELATING TO BIRTH DEFECTS CAUSED BY CONSUMPTION OF ALCOHOL, SPIRITS, WINE OR BEER, TO PROVIDE FOR THE DESIGNING AND PRINTING OF THE WARNING NOTICES BY THE DEPARTMENT OF HEALTH AND WELFARE, DIVISION OF BEHAVIORAL HEALTH, TO PROVIDE FOR THE DISTRIBUTION OF THE NOTICES BY THE ALCOHOL BEVERAGE CONTROL DIVISION OF THE IDAHO STATE POLICE AND TO AUTHORIZE THE DEPARTMENT OF HEALTH AND WELFARE TO PROMULGATE RULES TO PROVIDE A PROCESS OF RECOGNITION.

H 460, H 461, H 462, H 463, H 464, H 465, and H 466 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1274, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Local Government Committee.

S 1337, by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Local Government Committee.

S 1273, S 1287, S 1317, S 1319, and S 1320, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1346 and S 1347, by Finance Committee, were read the first time by title and filed for second reading.

S 1338, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 445, by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 371 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mortimer to open debate.

The question being, "Shall **H 371** pass?"

Roll called resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--Eskridge. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 371** passed the House. Title was approved and the bill ordered transmitted to the Senate.

S 1259 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Thomas to open debate.

The question being, "Shall **S 1259** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--Eskridge. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1259** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:00 a.m., Wednesday, February 6, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:27 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk